



PLANNING COMMISSION AGENDA
Synopsis
Wednesday, July 28, 2004

6:00 p.m. Regular & General Plan Meeting
Council Chambers, Room 205, City Hall

4:30 PM STUDY SESSION
Room 400
Coyote Valley Specific Plan

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **July 28, 2004**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

- ? After the staff report, applicants and appellants may make a 5-minute presentation.
- ? The chair will call out names on the submitted speaker cards in the order received.
- ? As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- ? After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- ? Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

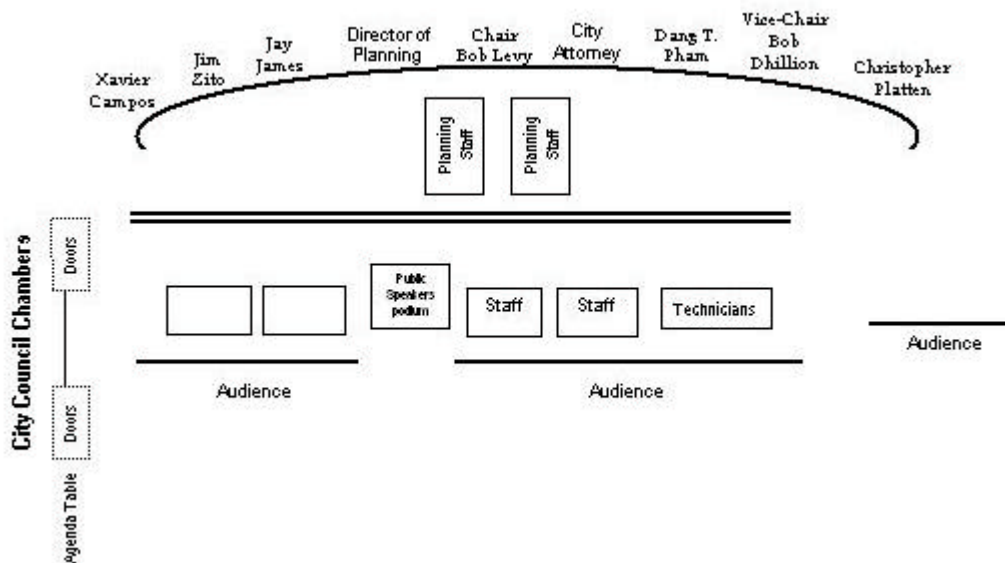
The Planning Commission's action on rezoning, prezonings, Code Amendments and the General Plan Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda changes, please contact Linda LaCount (linda.lacount@sanjoseca.gov).

The City Council is scheduled to hear the amendments to the General Plan on Tuesday, September 7 and 21, 2004 at 7:00 p.m. in the City Council Chambers. At the conclusion of the

hearing on September 21, the City Council will adopt the final resolution adopting the amendments to the San Jose 2020 General Plan. Any changes to this schedule will be made available to the public. The amendments to the General Plan will become effective thirty (30) days after adoption by the City Council.

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, PLATTEN ARRIVED AT 6:15.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. The items being considered are located at the northwest corner of Story Road (13785 Story Road) and Lyndale Avenue on a 0.1-acre site. (Joseph Sunzeri, Owner/HMH Engineers, Applicant).
 - 1. GP 04-05-02: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential designation (8 DU/AC) to Office for property located at the northwest corner of Story Road (13785 Story Road) and Lyndale Avenue on a 0.12 gross acre site. (Joseph Sunzeri, Owner/HMH Engineers, Applicant). CEQA: Mitigated Negative Declaration, GP04-05-02. SNI: East Valley/680 Communities. Council District: 5.
 - 2. PDC04-022: PLANNED DEVELOPMENT PREZONING from County to A (PD) Planned Development Zoning District to allow for commercial uses on a 0.12 gross acre site, located at the northwest corner of Story Road (13785 Story Road) and Lyndale Avenue (Joseph Sunzeri, Owner/HMH Engineers, Applicant). CEQA: Negative Declaration pending. SNI: East Valley/680 Communities. Council District: 5.

DEFERRED TO 8-11-04.

- b. GP 04-04-03: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) for property located on the northwest corner of Mabury Road and South King Road on a 3.96-acre site (Borrelli Investment Company, Owner/Ray Hashimoto, Applicant). Council District: 4. *Instead Planning staff proposes to change the General Plan designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on the 3.96-acre site.* CEQA: SNI: None. Council District: 4.

DEFERRED TO 8-11-04.

- c. GP03-05-04 and UGB03-01: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram to allow for the expansion of the Urban Service Area and a minor expansion of the Urban Growth Boundary for property located at the north side of Fleming Avenue (1230 and 1238 Fleming Avenue) between Impresario Way and Warner Drive on a two-acre site. The General Plan Land Use/Transportation Diagram designation of Non-Urban Hillside is not proposed to change. (Carl & Helen Gunnels Trust, Owners/Mark Thomas & Company, Applicant). CEQA: Mitigated Negative Declaration. SNI: None. Council District: 5.

DEFERRED TO 8-11-04.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. CPA94-018-01. CONDITIONAL USE PERMIT AMENDMENT for use of an existing drive-through facility by an existing coffee shop in the CG Commercial General Zoning District located at the northeast corner of Blossom Hill Road and Winfield Boulevard (971 Blossom Hill Road) (Bank of America, Owner; Starbucks Coffee Company, Developer). Council District 10. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT).

- b. CP04-027. CONDITIONAL USE PERMIT to allow three wireless communication antennas on an existing 100-foot tall PG&E utility structure and associated 149 square-foot ancillary equipment shelter on a 2.56 gross-acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Kooser Road approximately 100 feet westerly of Joseph Lane (Lauren Keller, Santa Clara Water District, Owner). Council District 9. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT). PULLED FROM CONSENT BY A MEMBER OF THE PUBLIC CONCERNED ABOUT SAFETY OF CELLULAR ANTENNAE AND THEIR RADIATION. STAFF AND THE APPLICANT CLARIFIED THAT THE ANTENNAE WOULD OPERATE WELL WITHIN FEDERAL STANDARDS, AND THAT PLACEMENT ON PG&E UTILITY TOWERS IS COMMON DUE TO EXISTING 100 FOOT HEIGHT.

- c. CP04-026. CONDITIONAL USE PERMIT to allow a 50-foot-high wireless communications monopole and an associated 375-square-foot ground-level equipment shelter at an existing public utility facility (San Jose Water Company) on a 3-acre site in the A Agricultural Zoning District located at the northwest corner of San Tomas Expressway and Williams Road (San Jose Water Works, Owner; Rich Rolita, AFL Telecommunications, Developer). Council District 1. SNI: None. CEQA: Exempt.

DEFERRED TO 8-11-04.

- d. CP04-020. CONDITIONAL USE PERMIT to extend the height of a church steeple by an additional 12 feet to accommodate three (3) new enclosed wireless communication antennas and to allow an ancillary equipment shelter on a 3.15 gross-acre site in the R-1-8 Single-Family Residence Zoning District, located at/on southeast corner of Curtner and Meridian Avenues (1730 Curtner Avenue) (The First Free Methodist Church Of San Jose, Owner). Council District 9. SNI: None. CEQA: Exempt.

DEFERRED TO 8-11-04.

- e. CP03-068. CONDITIONAL USE PERMIT to allow one 60-foot high wireless communication monopole, 6 panel antennas, 240 square-foot ancillary equipment shelter on 2.30 gross-acre site in the A Agricultural Zoning District located at/on northeast corner of Guadalupe Parkway and Capitol Expressway (Santa Clara County Transit District, et al Owners). Council District 10. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT).

The following items are considered individually.

4. PUBLIC HEARINGS

- a. AN ORDINANCES OF THE CITY OF SAN JOSE AMENDING SECTION 20.50.100 OF CHAPTER 20.50 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE to allow additional uses in the industrial zoning districts of the City.

APPROVED (7-0). STAFF CLARIFIED THAT THIS ZONING CODE AMENDMENT MAKES PERMANENT A CHANGE ALREADY APPROVED BY THE CITY COUNCIL AS AN URGENCY ORDINANCE. COMMISSIONER DHILLON COMMENTED, AND THE COMMISSION CONCURRED, THAT IT WOULD BE APPROPRIATE TO CONSIDER BROADENING THE STREAMLINING APPROACH TO INCLUDE USES IN AREAS WITH THE MIXED INDUSTRIAL OVERLAY. COMMISSIONER ZITO EXPRESSED CONCERN THAT THE CITY NOT MAKE TOO MANY PERMANENT CHANGES BASED ON THE ECONOMIC DOWNTURN WHICH COULD END SOON.

- b. CP03-074. CONDITIONAL USE PERMIT to (1) demolish an existing 23,237 square-foot building; (2) construct a new 32,196 square-foot building for grocery store use (Albertson's) with associated site improvements; (3) allow the off-sale of alcoholic beverages at the grocery store, and; (4) allow 24-hour operation of the grocery store in the CN Neighborhood Commercial Zoning District, located on the southwest corner of Minnesota and Bird Avenues (802 Minnesota Avenue) (Mission Square Shopping Center LTD, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

APPROVED (7-0). APPROVED WITH OFF-SALE OF ALCOHOL, BUT NO 24-HOUR OPERATION, AND NO REQUIREMENT FOR COMMUNITY MEETING IN SIX MONTHS. PUBLIC TESTIMONY FOCUSED ON CONCERN FOR NOISE AND ACTIVITY IN LATE NIGHT HOURS IF STORE OPEN 24 HOURS, AND EXPRESSED LACK OF TRUST IN STORE MANAGEMENT DUE TO LONG TERM DECLINE OF FACILITY. COMMISSIONERS NOTED NEIGHBORHOOD LACK OF TRUST ON STORE QUALITY AND EXPLAINED OPTIONS FOR REVIEW OF COUNTY

HEALTH DEPARTMENT INSPECTION REPORTS. COMMISSIONERS NOTED IMPROVEMENTS TO STORE WILL BE GOOD FOR NEIGHBORHOOD, BUT ALSO NOTED ONLY TEN PERCENT OF ALBERTSON'S STORES IN AREA OPERATED 24 HOURS. COMMISSIONERS COMMENTED APPLICANT COULD REAPPLY FOR 24-HOUR USE IN FUTURE AFTER STORE OPERATION COMMENCES AND NEIGHBORHOOD TRUST IS REESTABLISHED.

- c. CP04-030. CONDITIONAL USE PERMIT to allow off-sale of alcohol beverages at an existing grocery store (Los Cuates) on a 0.9-acre site in the CP Pedestrian Commercial Zoning District located on the southwest corner of South Winchester Boulevard and Cadillac Drive (1511-1515 S. Winchester Boulevard) (Robert E Zolezzi Trustee, et al, Owners). Council District 1. SNI: Winchester. CEQA: Exempt.

APPROVED (7-0). PUBLIC TESTIMONY FOCUSED ON CONCERN OF ADDITIONAL ALCOHOL OUTLET IN AN AREA WHERE THERE IS ALREADY A NUMBER OF LIQUOR STORES IN THE AREA. THE COMMISSION DISCUSSION FOCUSED ON THE FACT THAT THIS SITE IS A SPECIALTY FOOD STORE WHERE ALCOHOL WOULD BE SOLD IN CONJUNCTION WITH OTHER FOOD ITEMS. THEY RECOGNIZED THE APPLICANTS WILLINGNESS TO RESTRICT THE SALE OF ALCOHOL THROUGH CONDITIONS IN THE CONDITIONAL USE PERMIT AS WELL AS HIS LIQUOR LICENSE.

- d. PDC04-008. PLANNED DEVELOPMENT REZONING from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 70,000 square feet of retail, 50,000 square feet of medical office or an 80-bed assisted living facility for the elderly, and unimproved land to be dedicated for public park purposes on a 7.5 gross-acre site, located at the southwest corner of Silver Creek and Aborn Roads (Li-Chu Feng & Chung-Guang Shen, Ruey-Rong & Lih-Woan Lii, Ying-Ming Huang & Chen-Huei Huang, Owners; Barry Swenson Builder, Developer). Council District 7. SNI: West Evergreen. CEQA: Mitigated Negative Declaration

DEFERRED TO 8-11-04.

5. SUMMER HEARING ON GENERAL PLAN AMENDMENTS

- a. GP04-06-01. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) for property located on the west side of Peregrino Way (1726 Peregrino Way), approximately 400 feet northwest of Dry Creek Road on a 1.16-acre site (Kennedy Rogers, Owner/Applicant). CEQA: SNI: None. Council District: 6. Deferred from 7-26-04.

APPROVED (7-0). PUBLIC TESTIMONY FOCUSED ON THE CONCERN THAT THE PROPOSED GENERAL PLAN WOULD POTENTIALLY ALLOW FOR A SUBDIVISION OF LONG NARROW LOTS, WHICH IS INCONSISTENT WITH THE PATTERN OF DEVELOPMENT IN THE EXISTING NEIGHBORHOOD. STAFF PRESENTED TESTIMONY THAT SHOULD A PROPOSED SUBDIVISION INCLUDE FOUR LONG NARROW LOTS, UNDER TITLE 20, THE SUBDIVISION ORDINANCE, THE APPLICANT WOULD NEED TO REQUEST A WAIVER FROM THE DESIGN REQUIREMENTS RELATED TO LOT WIDTH AND WIDTH TO DEPTH. PLANNING STAFF INDICATED AN INABILITY TO MAKE SUFFICIENT FINDINGS

REQUIRED TO GRANT SUCH WAIVER. THE COMMISSION DISCUSSION FOCUSED ON WHETHER APPROVING THIS GENERAL PLAN CHANGE WOULD GIVE THE GREEN LIGHT TO A FOUR LOT SUBDIVISION WITHOUT FURTHER PUBLIC INPUT. STAFF CLARIFIED THAT IT IS UNLIKELY A FOUR LOT SUBDIVISION COULD BE PROPOSED THAT WOULD MEET ALL THE REQUIREMENTS OF TITLE 19, AND THEREFORE WOULD BE SUBJECT TO A PUBLIC HEARING AND DISCRETIONARY ACTION BY THE DIRECTOR OF PLANNING. ADDITIONALLY, STAFF INDICATED THAT ANY APPEAL OF A TENTATIVE SUBDIVISION MAP IS APPEALABLE TO THE CITY COUNCIL.

6. CONTINUE THE PUBLIC HEARING ON THE 2004 SUMMER HEARING ON GENERAL PLAN AMENDMENTS TO AUGUST 11, 2004.

7. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 - 1. Responding to statements made or questions posed by members of the public; or
 - 2. Requesting staff to report back on a matter at a subsequent meeting; or
 - 3. Directing staff to place the item on a future agenda.

NO PUBLIC COMMENTS.

8. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE.

9. GOOD AND WELFARE

- a. Report from City Council
NONE.
- b. Commissioners' reports from Committees:
 - ? Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).
NONE.
 - ? Coyote Valley Specific Plan (Platten)
NONE.
- c. Review of synopsis.
CORRECTIONS NOTED.

10. ADJOURNMENT

2004 PLANNING COMMISSION MEETING SCHEDULE

August 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
August 25	6:00 p.m.	Regular Meeting	Council Chambers
September 8	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
September 23	8:30 a.m./4:30 p.m.	Annual Retreat	Museum of Art, 110 S. Market
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers